

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT NASHVILLE

JANUARY SESSION, 1999

FILED
March 11, 1999
Cecil W. Crowson
Appellate Court Clerk

STATE OF TENNESSEE,)

Appellee,)

VS.)

CHARLES HAYES,)

Appellant.)

C.C.A. NO. 01C01-9801-CC-00176

MARSHALL COUNTY

HON. CHARLES LEE
JUDGE

(Sentencing)

ON APPEAL FROM THE JUDGMENT OF THE
CIRCUIT COURT OF MARSHALL COUNTY

FOR THE APPELLANT:

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FOR THE APPELLEE:

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OPINION FILED _____

AFFIRMED IN ACCORDANCE WITH RULE 20

DAVID H. WELLES, JUDGE

OPINION

The Defendant pleaded guilty to and was convicted of two counts of aggravated burglary, two counts of theft, and one count of evading arrest. Sentencing was left to the discretion of the trial judge. On appeal, the Defendant argues that his sentence is excessive. We disagree and affirm the judgment of the trial court.

For the aggravated burglary convictions (Class C felonies) the Defendant was sentenced as a Range III persistent offender to consecutive terms of fourteen years, six months and thirteen years, six months. One of his theft convictions was a Class D felony for which he was sentenced as a career offender to twelve years to be served concurrently with his burglary sentences. His other theft conviction was a Class E felony, for which he was sentenced to six years as a career offender to be served consecutive to his aggravated burglary sentences. For his misdemeanor evading arrest conviction, he was sentenced to a concurrent term of eleven months and twenty-nine days. His effective sentence for these crimes was thirty-four years. All sentences were ordered served consecutively to the sentence he was serving on parole at the time he committed these offenses.

The trial judge ordered the sentences served consecutively because he found that the Defendant is an offender whose record of criminal activity is extensive. The Defendant does not challenge this finding. It appears from the record that he has over thirty felony convictions, including at least ten burglaries,

six thefts, numerous other property offenses and two felony escape convictions. He had been released on parole just six months prior to committing the offenses in the case sub judice. The trial court found the sentences were reasonably related to the severity of the offenses and were necessary to protect society from the Defendant's further criminal activity. The record supports these findings. The record also reflects that the trial court considered the sentencing principals and all relevant facts and circumstances.

We conclude that no error of law requiring a reversal of the judgment is apparent on the record. Based upon a thorough reading of the record, the briefs of the parties, and the law governing the issues presented for review, the judgment of the trial court is affirmed in accordance with Rule 20 of the Court of Criminal Appeals of Tennessee.

DAVID H. WELLES, JUDGE

CONCUR:

JOHN H. PEAY, JUDGE

JERRY L. SMITH, JUDGE